HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25916 of 2006

Dated:13.12.2006

Between:

K.Chandra Sekhar Reddy.

…Petitioner

and

The State of Andhra Pradesh and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25916 of 2006

ORDER:

This Court by judgment dated 07.12.2005 in W.P.No.14099 of 2003 and batch invalidated Section 22-A of the Registration Act, 1908, as incorporated into the Act by Andhra Pradesh Act No.4 of 1999 empowering the State Government to issue a notification prohibiting registration of lands in certain specified properties on the ground of public policy. The judgment was delivered by this Court following the ratio enunciated by the Supreme Court in **State of Rajasthan v. Basanth Nahata**[1].

The petitioner sought registration of sale deeds in respect of the properties in Survey No.578/2/A situated at Rachulur Village and Gram Panchayat of Kandukur Mandal in Ranga Reddy District. These lands were included in a prohibitory order notified in G.O.Ms.No.238, dated 05.03.2004. The second respondent is refusing to register the sale deeds presented by the petitioner in view of the prohibitory orders issued in G.O.Ms.No.238.

This Court on 24.03.2006 allowed a Writ Petition, being W.P.No.5915 of 2006, which was filed questioning G.O.Ms.No.238, and observed as under.

> …Since Section 22-A, the legislative foundation for the exercise of the executive power of the State, is itself declared unconstitutional, G.O.Ms.No.238 must be considered as still born…

Following the above, this Writ Petition is allowed directing the second respondent to consider for registration, the documents/sale deeds presented by the petitioner even in respect of the land in Survey No. 578/2/A situated at Rachulur Village in accordance with law and ignoring G.O.Ms.No.238. No costs.

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(V.V.S.RAO, J)

13.12.2006
vs

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[1] 2005 AIR SCW 4456